REMARKS

The present application was filed on July 26, 2001 with original claims 1-44 and claims priority to U.S. Provisional Patent Application Serial No. 60/221,767 entitled "SYSTEM FOR MINIMIZING INJURY AFTER COLLISION" filed July 31, 2000. The claims were subject to a restriction requirement and claims 1-16 and 24-36 were elected. In an amendment dated March 18, 2003 claims 4, 7 and 29 were cancelled, claims 1-6, 8-11, 24-28, 30 and 32 were amended and new claims 45-76 were added. The claims remaining for consideration are claims 1-3, 5, 6, 8-16, 24-28, 30-36, and 45-76. Reconsideration is respectfully requested.

In the prior amendment, all of the Examiner's then current objections and rejections were successfully traversed or made moot. In the current Office Action dated July 8, 2003, the Examiner has provided three additional references and indicated that the Office Action is a Final Office Action. Since all of the Examiner's current rejections are based on these new prior art references, Applicant respectfully asserts that the finality of the present Office Action is improper and requests that it be withdrawn.

Claims 1-3, 5, 6, 8-16, 24-28, 30-36 and 45-59 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,370,461 issued April 9, 2002 to Bruce Frederick Pierce et al. ("Pierce) in view of U.S. Patent 4,087,782 issued May 2, 1978 to Kazuo Oishi et al. ("Oishi"). This rejection is respectfully traversed.

Of the current pending claims, claims 1, 5, 6, 8, 10, 24, 27, 28, 30 and 32 are independent claims. Pierce discloses a crash control system for vehicles employing predictive pre-crash signals. The Pierce system includes an ABS or anti-lock brake system, brake pedal velocity sensor and adaptive cruise control system. The crash control system of Pierce uses

pre-crash signals to predict a potential crash (see abstract). The present invention, as embodied in independent claims 1 and 24, detects an occurrence of a collision of the motor vehicle. Oishi discloses a collision detection system which is used to activate an airbag system. The Examiner combines the teachings of Pierce and Oishi in rejecting independent claims 1 and 24 to be obvious. However, Applicant respectfully asserts that neither Pierce nor Oishi contains the proper motivation to combine the references. In fact, Applicant respectfully asserts that Pierce cannot be properly combined with Oishi and in fact teaches away from such a combination in using the pre-crash as opposed to post crash signals. Therefore, Applicant respectfully asserts that independent claims 1 and 24 are patentable over Pierce and Oishi and request that the §103 rejection of claims 1 and 24 be withdrawn. Dependent claims 2, 3, 15, and 16 and dependent claims 25, 26 and 53 are ultimately dependent upon allowable claims 1 and 24, respectively. Therefore, for the reasons set forth above and based on their own merit, Applicant respectfully asserts that claims 2, 3, 15, 16, 25, 26, and 53 are allowable.

Claims 5, 6, 8, 10, 27, 28, 30 and 32 are independent claims which set forth the system and methods for use with a motor vehicle. Independent claims 5, 6, 8 and 10 are apparatus claims which include a sensor for detecting an occurrence of a loss of control event of the motor vehicle and which produces a loss of control signal. Independent claims 27, 28 30 and 32 are method claims, which include the step of detecting the occurrence of a loss of control event of the motor vehicle. Applicant respectfully asserts that neither Pierce nor Oishi teaches this claim element or claim step. The Pierce system discloses a crash control system for vehicles that employs predictive pre-crash signals that are generated by any of a plurality of existing subsystems on a vehicle. "The sub-systems 10 may comprise an ABS (Antilock Brake System) 16, a brake pedal velocity sensor 18, an adaptive cruise control system 20, or any

other appropriate sensor 22 on the vehicle that provides early warning that the driver may loose vehicle control or that a potential crash may be imminent." (see column 2, lines 50-56.) However, the only disclosed embodiment of Pierce uses the brake pedal velocity sensor which senses the rate of downward travel of the brake pedal during a braking sequence. "The rate of pedal travel is compared against a reference value to determine whether the rate of travel indicates a panic braking mode." See column 2, lines 59-65. This signal or signal from the ABS system may be sent to the sub-systems. Applicant respectfully asserts that this is quite different from the present invention, as embodied in independent claims 5, 6, 8, 10, 27, 28, 30 and 32, which detects an occurrence of a loss of control event. The Pierce system which uses the brake pedal sensor is used to sent the rate of brake pedal travel which is clearly controlled by the driver of the vehicle and is not a loss of control event of the vehicle. For these reasons, Applicant respectfully asserts that independent claims 5, 6, 8, 10, 27, 28, 30 and 32 are allowable over Pierce and Oishi and respectfully request that the §103 rejection of these claims be withdrawn. Dependent claims 9, 11-14, 26, 34-36, 45-52, 54-59 are ultimately dependent upon independent claim 5, 6, 8, 10, 27, 28, 30 or 32. Therefore, for the reasons set forth above, and based on their own merits, Applicant respectfully asserts that dependent claims 9, 11-14, 26, 34-36, 45-52, 54-59 are also allowable over Pierce and Oishi.

All of the Examiner's objections and rejections having been successfully overcome or made moot, Applicant respectfully asserts that the present application is now in condition for allowance and request a early notice of allowance.

If the Examiner believes that a telephone interview would be helpful, please contact the undersigned at the number provided.

Respectfully submitted,

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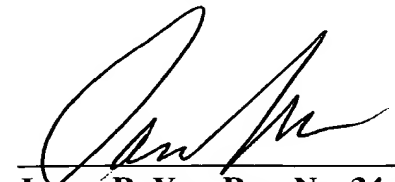

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